

BILL NO. S-73-02 -27

SPECIAL ORDINANCE NO. S- 16-73

AN ORDINANCE approving City of Fort Wayne Resolution to purchase real estate from the Fort Wayne Redevelopment Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Resolution of the City of Fort Wayne, Department of Redevelopment, adopted December 11, 1972, said property being:

Lot 24, TOGETHER with those parts of Lots 23, 22 and 21, lying Southwesterly of the right-of-way of former New York, Chicago, and St. Louis Railroad, now the Norfolk and Western Railway, as established by the Michael Baker, Jr. Survey of 1947 in COUNTY ADDITION;

ALSO, Lots 35,36,37, EXCEPT the South 22 feet thereof, TOGETHER with those Parts of Lots 38 and 39, EXCEPT the South 22 feet thereof, lying Southerly and Westerly of 2290 square feet of land conveyed to the former New York Chicago and St. Louis Railroad Company by Instrument recorded in Deed Record 484, pages 375-376;

TOGETHER with VACATED alleys situated between and adjacent to the aforesaid lots;

ALL being a Part of COUNTY ADDITION to the City of Fort Wayne as re-copied and recorded in Plat Book "O", page 3, in the Office of the Recorder of Allen County;

and by metes and bounds described as follows to-wit:

Commencing at the Northwest corner of Lot 24 in said COUNTY ADDITION, defined as the intersection of the South line of Columbia Street by the East line of Lafayette Street as platted; thence North 78 degrees 20 minutes East (Adjusted Baker Bearing), a distance of 110.0 feet; thence South 58 degrees 20 minutes East along the Southwesterly right-of-way line of said Railroad, a distance of 235.8 feet, more or less, to a point on the Southerly line of a VACATED 14-foot wide alley; thence South 78 degrees 17 minutes 58.8 seconds west along said Southerly line of said VACATED alley, a distance of 30 feet; thence South 11 degrees 42 minutes 10.9 seconds East, a distance of 29.92 feet to a point; thence South 80 degrees 39 minutes 45.3 seconds East, a distance of 69.31 feet to the East line of Lot 39, being coincidental with the East line of COUNTY ADDITION to a point by deed situated 18.89 feet, more or less, South of the right-of-way line of said Railway; thence South 1 degree 30 minutes East on the East line of said COUNTY ADDITION, a distance of 76.5 feet, more or less, to a point situated 22 feet normally distant Northerly of the North line of Main Street, as in said Plat recorded; thence South 78 degrees 20 minutes West on a line parallel to said Main Street and a distance of 304.0 feet to the

West line of Lot 35 in said Addition, being also situated on the East line of Lafayette Street, at a point situated 22 feet Northerly of the Southwest corner of said Lot 35; thence North 11 degrees 40 minutes West along the East line of Lafayette Street, a distance of 292 feet to the point of beginning; containing 69,650 square feet, more or less, or, 1.599 acres, more or less;

ALSO, Part of Lot 40 TABER'S ADDITION to the City of Fort Wayne, Indiana, as recopied and recorded in plat "O", page 6, in the office of the Recorder of Allen County, lying Southwesterly of the right-of-way of the former New York, Chicago and St. Louis Railroad, now the Norfolk and Western Railway, as established by the Michael Baker, Jr. survey of 1947, known as "Old Fort Park" and by metes and bounds described as follows to-wit:

Commencing on the West line of said Lot 40 being coincidental with the East line of Lot 39 in COUNTY ADDITION to the City of Fort Wayne as recopied and recorded in Plat Book "O", page 3 at a point situated 22 feet normally distant Northerly of the North line of Main Street and 22.3 feet North of the South corner of said Lot 40; thence North 1 degree 30 minutes West (adjusted Baker bearing), a distance of 95.4 feet, more or less, to the Southwesterly right-of-way line of said railroad; thence South 58 degrees 20 minutes East on the line aforesaid, a distance of 131.1 feet to the West line of Clay Street as in said plat of TABER'S ADDITION established; thence South 33 degrees 16 minutes West, a distance of 4.3 feet, more or less, to a point situated 22 feet normally distant North of the North line of Main Street; thence South 78 degrees 20 minutes West on a line parallel to said Main Street, a distance of 108.4 feet to the point of beginning; containing 5350 square feet or, 0.123 acres, more or less;

The two tracts heretofore described have a COMBINED AREA of 75,000 square feet or, 1.722 acres.

NOTE: (1) The foregoing descriptions are based on current field measurements along Lafayette Street, and computations from the Michael Baker, Jr. survey, SHEET 3 of 6, Scale: 1 inch=50 feet, dated June 14, 1947.

(2) The 0.6-foot shortage in the block, indicated on said Baker Survey along Lafayette Street between Main Street and Columbia Street does not exist, using present curb lines on Columbia Street, Main Street, and the first alley South thereof.

(3) Bearings used in Deed Record 484, pages 375-376, appear to conform with the Baker Survey bearings. However, the bearing for the East line of COUNTY ADDITION is not indicated on the Baker Survey and the bearing in the deed aforesaid and our computed bearing do not agree.

all for the total price of \$109,751.80, as more particularly set forth in proposal to purchase which is on file in the office of the City of Fort Wayne, Department of Redevelopment and is by

[3]

reference incorporated herein and made a part hereof, is in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY

  
CITY ATTORNEY

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ and to the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 2-27-73

Charles M. Tuttleman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Stier, and duly adopted, placed on its passage.

Passed (~~LAST~~) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	_____	ABSENT	<u>2</u>	to-wit:
BURNS	<u>✓</u>	_____	_____	_____	_____	_____	_____	
HINGA	_____	_____	_____	_____	_____	_____	<u>✓</u>	
KRAUS	_____	_____	_____	_____	_____	_____	<u>✓</u>	
NUCKOLS	<u>✓</u>	_____	_____	_____	_____	_____	_____	
MOSES	<u>✓</u>	_____	_____	_____	_____	_____	_____	
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____	_____	_____	
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____	_____	_____	
STIER	<u>✓</u>	_____	_____	_____	_____	_____	_____	
TALARICO	<u>✓</u>	_____	_____	_____	_____	_____	_____	

Date: 2-27-73

Charles M. Tuttleman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. P-16-73 on the 27th day of February, 1973.

ATTEST:

(SEAL)

Charles M. Tuttleman  
CITY CLERK

W. Lee White Jr.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of February, 1973, at the hour of 12 o'clock A.M., E.S.T.

Charles M. Tuttleman  
CITY CLERK

Approved and signed by me this 5th day of March, 1973, at the hour of 4:30 o'clock P.M., E.S.T.

Sam A. Peabody  
MAYOR

SUSPENSION OF RULES

BILL NO. D-73-02-27.

Councilman Nuckols, moved to suspend the rules on passage of BILL NO. D-73-02-27, at this meeting of February 27, 1973, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Talarico, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and Special <sup>7: 8-16-73</sup> ORDINANCE was accordingly placed on its passage.

DATE: 2-27-73

Winfred C. Wingo Jr.  
PRESIDING OFFICER

Charles W. Witterman  
CITY CLERK

	<u>2</u> AYES	<u>0</u> NAYS	<u>2</u> ABSTAINED	<u>2</u> ABSENT	TO-WIT
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HINGA</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>KRAUS</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>NUCKOLS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>MOSES</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>D. SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>V. SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance 7: 8-16-73

ATTEST: (SEAL)

DATE: 2/27/73

Charles W. Witterman  
CITY CLERK

CERTIFICATE OF SURVEY

NUMBER

OFFICE OF **CARL A. HOFER AND ASSOCIATES, INC.**

**CIVIL ENGINEERS & LAND SURVEYORS  
FORT WAYNE, INDIANA**

A. K. HOFER P.E. No. 72  
(1968) L.S. No. 10504

CARL A. HOFER P.E. No. 7122  
L.S. No. 10031

WILLIAMS, DAVIS L.S. No. S 0053

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

80 S216

DESCRIPTION OF PROPERTY Lot No. ....

SEE ATTACHED SHEETS  
72-3 & 72-4 TRACKING REVISED

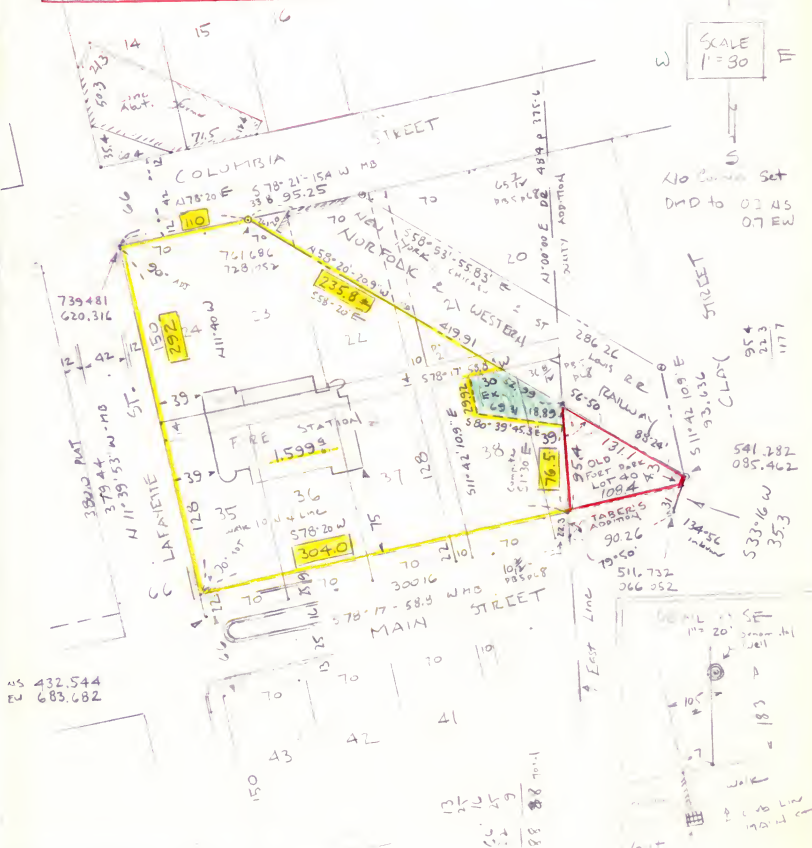
- Reference:
- (1) FOSTER ESTATE Survey by C.A.H.  
24 September 1963
  - (2) AUDITOR'S PLAT RECORDED 1910  
Plat Book 5 page 68  
(Deed Record 32 page 32 Recd.)
  - (3) July 15, 1863 Harvey Seymour  
to the City of Fort Wayne  
"Fractional Lot 40 in CHAS. TABER'S  
Addition to the City of Fort Wayne"

73-1 See Sheet No 2, and No 3  
for LEGAL DESCRIPTIONS with  
DR 484 p 375-376 EXCEPTED  
REVISED as of  
7 February 1973



SCALE  
1" = 30'

No Corner Set  
DMD to 0.24 S  
0.7 EW



NS 432.544  
EW 683.682

IN WITNESS WHEREOF I place my hand and  
seal, this 7 day of FEBRUARY, 1973

Carl A. Hofer

Lot 24 TOGETHER with those parts of Lots 23, 22, and 31, lying Southwesterly of the right-of-way of former New York, Chicago, and St. Louis Railroad, now the Norfolk and Western Railway, as established by the Michael Baker, Jr. Survey of 1947 in COUNTY ADDITION;

ALSO, Lots 35, 36, 37, EXCEPT the South 22 feet thereof, TOGETHER with those Parts of Lots 38 and 39, EXCEPT the South 22 feet thereof, lying Southerly and Westerly of 2290 square feet of land conveyed to the former New York Chicago and St. Louis Railroad Company by Instrument recorded in Deed Record 484, pages 375-376;

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- NOTE:
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  - (2) The 0.6-foot shortage in the block, indicated on said Baker Survey along Lafayette Street between Main Street and Columbia Street does not exist, using present curb lines on Columbia Street, Main Street, and the first alley South thereof.
  - (3) Bearings used in Deed Record 484, pages 375-376, appear to conform with the Baker Survey bearings. However, the bearing for the East line of COUNTY ADDITION is not indicated on the Baker Survey and the bearing in the deed aforesaid and our computed bearing do not agree.

IN WITNESS WHEREOF, I place my hand  
and seal this 7<sup>th</sup> day of February 1973.

- Carl A. Hofer



RECEIVED FEB - 7 1973

3:15 p.m.  
4.2.

RESOLUTION AUTHORIZING EXECUTION  
AND DELIVERY OF CONVEYANCE

WHEREAS, on the 15th day of April, 1966, the City of Fort Wayne, Indiana, Department of Redevelopment, entered into a Contract for Sale of Land for Public Redevelopment with City of Fort Wayne, with respect to certain real estate located within Main Street Project No. Ind. R-52, and

WHEREAS, all of the real estate described in said Contract has now been acquired, and the said City of Fort Wayne, Indiana pursuant to the terms of said Contract, is entitled to a conveyance of the real estate described in said Contract, said Real Estate being located in Fort Wayne, Allen County, Indiana, and more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein, upon the payment of the sum of One Hundred Nine Thousand Seven Hundred Fifty-one Dollars and Eight Cents (\$109, 751.80); and

WHEREAS, the City of Fort Wayne, Indiana is now ready to pay the purchase price required under the Contract hereinabove referenced; and

WHEREAS, attached hereto, marked Exhibit "B" and made a part hereof by this reference is a true copy of the form of conveyance to be executed by William F. Borgmann and Hana Stith, President and Secretary of the Fort Wayne Redevelopment Commission, which conveyance complies with the terms of said Contract;

NOW, THEREFORE, BE IT RESOLVED, that the President and Secretary of the Fort Wayne Redevelopment Commission, Governing Body of the City of Fort Wayne, Department of Redevelopment, are hereby authorized to execute said conveyance to the City of Fort Wayne, Indiana, upon receipt of the purchase price of One Hundred Nine Thousand, Seven Hundred Fifty-one Dollars and Eighty Cents (\$109, 751.80) from the City of Fort Wayne, Indiana.

Commissioner Smith moved that the foregoing Resolution be adopted as introduced, the motion was seconded by Commissioner Stith and upon roll call, the "Ayes" and "Nays" were as follows:

AYES

W. F. Borgmann  
Hana Stith  
Jack Lehman  
Dallas Smith

NAYS

None

The President thereupon declared said motion carried and said Resolution adopted.

HARMAR STREET

The Commission is entering into a small, locally funded program, namely the Harmar Street Project, and the two appraisers having completed their work in the area and having duly submitted their appraisals of the properties so that an average acquisition figure could be determined, the following Declaratory Resolution was introduced:

CITY OF FORT WAYNE  
DEPARTMENT OF REDEVELOPMENT

DECLARATORY RESOLUTION  
HARMAR STREET PROJECT I  
ADOPTED December 11, 1972

DIGEST SHEET

TITLE OF ORDINANCE \_\_\_\_\_

DEPARTMENT REQUESTING ORDINANCE Redevelopment Commission

\* SYNOPSIS OF <sup>Resolution</sup> ORDINANCE \_\_\_\_\_

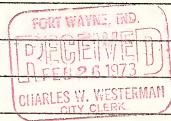
Resolution for City Council approving the purchase and cost of 77,290 sq. ft. of  
land for new Fire Station Site from the Redevelopment Commission at a figure  
of \$109, 751.80

EFFECT OF PASSAGE Passage of this resolution will enable the Commission to  
close out the Main Street Project. Council action is required prior to March  
1, 1973 in order to meet HUD deadline for closeout.

EFFECT OF NON-PASSAGE Failure to approve this resolution would result  
in HUD raising legal problems with the disposition of the land to the City without  
this approval initially. It could result in HUD not picking up these costs.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

\$109, 751.80



ASSIGNED TO COMMITTEE (S.N.) Finance

- \* This matter was originally scheduled for Council action, but deleted per my request.  
HUD has not authorized the price at \$109, 751.80 consequently my resubmission.

A-73-02-27

## ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	<i>D-73-02-27</i>
ORDINANCE NO.	<i>D-16-73</i>
REGULAR SESSION	<i>2-27-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Heller</i>
BILL WRITTEN BY	<i>Redevelopment Co.</i>
DATE INTRODUCED	<i>2-27-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Honger</i> <i>Sevens</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	<i>2-27-73</i>
DO NOT PASS	
WITHDRAWN	
<input checked="" type="checkbox"/> SUSPENSION OF RULES	<i>2-27-73</i>
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

COMMITTEE SHEET
<input checked="" type="checkbox"/> VOTE SHEET
PURCHASE ORDERS
BIDS
ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
COMMUNICATIONS FROM
<i>Land Surveyors -</i>
ZONING MAPS
<i>Resolution authorizing Executive &amp; Deputy of Engineering</i>
ABSTRACTS
TITLES
PRIOR APPROVAL LETTER

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA			X
KRAUS			X
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS: